

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING –REZONING)**

May 28, 2003

6:00 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Forest.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Wihby, Guinta, Sysyn, Osborne, Pinard, O’Neil (late), Lopez, Shea (late), DeVries, Garrity, Smith (late), Thibault, Forest

Absent: Aldermen Gatsas

Mayor Baines advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to the proposed Zoning Ordinance change; that the Clerk will present the proposed Zoning Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

Mayor Baines addressed Item 5 of the agenda:

The Clerk presented the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include land identified as Tax Map 756, Lot 12 and Tax Map 756, Lot 14 currently zoned B-2 (General Business), R-1B (Residential One Family) and R-SM (Residential Suburban Multi-Family) in the area of South Willow Street and South Porter Street.”

Mayor Baines requested that Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated thank you Your Honor and I will be brief. I just would like to orient the board as to exactly where the proposed rezoning is and I have handed out to the Aldermen copies of this particular map. Just to orient you on the map, this is South Willow Street, South Porter comes up and does a dog leg up towards Memorial. This building right

here is the main building of Dobles. This building here is now gone. That was the former Brother's Pizza and this building here is Circuit City. Currently the zoning on South Willow Street, the boundary between the B-2 district and most of the area in light pink here is business 2. The border runs right behind Circuit City, back towards South Willow and very close to the Dobles building, down to the Fairfield Inn and across. The property of the applicant, however, does extend beyond this rezoning line. It extends out to the boundary with Southside Manor, over and across, past Southside Manor to Pondview Terrace and then abuts South Porter Street. So the request of the applicant in this case is to rezone their entire property to B-2, business 2. So not only just the property, their parking lot and main building would be included in the B-2 district, which is the general business zone, but it extends back to the back property line here and back along the property line to South Porter Street. Much of the area that they are requesting is currently parking lots. You can see on your maps the triangular shape here is parking lot that they put the cars on and a portion of this piece near Circuit City is already developed as parking. So at that point that's all I wanted to provide to the board. I'd be happy to answer any quick questions.

Mayor Baines called for those wishing to speak in favor of the project.

Daniel Callahan stated I'm a lawyer at Devine, Millimet and Branch here in Manchester and with me to my left is Gerald Montambeault. You probably know him as well as I do as Monty. He's the owner and operator of Dobles Chevrolet and has been in the business as he told me just before us, for over 50 years and they have been at this site since 1964. I want to make one thing very clear at the beginning of this and it's in our plans, it is that we are asking for substantially all of the remaining property to be rezoned and I'll explain that to you as we go through it. There's a small sliver of the lot, which is Tax Map 756, Lot 14 that's to the rear of the property; it's 30 feet wide that we do not want rezoned. We want to keep that in the R-SM zone and the reason for that is that there's an encroachment and I've got plans that show that. Our neighbor, the apartment complex, encroaches in on our property. We discovered this as we were planning the process and as a result, we have reached an agreement with the neighbor to give the neighbor that 30 feet of property in width, and the neighbor will construct a fence the length of its property and then the length of Lot 933A-111. So they'll be a fence that will be there so that the...substantially all of Map 756, Lot 14 if this is approved would be rezoned to B-2. This small piece would be left in the R-SM zone. We are submitting plans to the Planning Board at the end of this week or the beginning of next week to consolidate these three lots into one lot and then ask for a subdivision so we can subdivide and give this one piece of property to the neighbor. By way of background, should I use...? Just so you are clear with regard to what the property looks like at this point. What is being handed out is a plan of our entire lot. The dark green area on the plan is the part that is zoned B-2. On the plan that Bob MacKenzie has it's where the Dobles site buildings are. This small area here in the dark green area is the Brother's Pizza site. The blue area on your plans is the R-SM zone. This is the other half of the lots that Dobles owns, and lastly the small pink triangle is a portion of the property. This pink triangle is the R-1B zone. Just to orient you, in addition, what I've outlined here, there are three lots which we own. The black line shows Tax Map 756, Lot 14, the yellow line shows Tax Map 756, Lot 12, and the Brother's Pizza site is Tax Map 756, Lot 13. So as you can

see we have three properties and one property that's in all three zones. Lot 756/14 has B-2 in the front part and along where Circuit City is, the pink area is R-1B and R-SM. What we have requested, we've talked with the City with regard to this proposal, is Brother's Pizza no longer exists and we intend to consolidate all three lots. The small piece that I referred to early is this piece that I'll outline and it's on the plans that you have with the 30 foot wide that abuts this property. The buildings are shown, portions of the building, you can see where they encroach. They encroach not only into the setback but one of the buildings crosses just onto our property. This happened many, many years ago and was just recently discovered and the property owners have been working well with us trying to resolve it and the resolution of it will be is that a fence, subject to Planning Board approval, will be constructed from the Circuit City end of the property on this newly drawn property and go all the way along the other property line. The natural tree buffer, this will not be disturbed from the construction of the fence and there are lots of reasons we want to encourage that. That's the current condition. Our request if you were to approve the rezoning would be this. If the rezoning occurs, the entire Dobles site except for the small piece here will be rezoned to B-2. The yellow highlighted area is on the plan and is to remain R-SM, which is the same district that the apartment complex is, so they would be in a consistent zone. As you can see all of Circuit City is in the B-2 zone, we don't disturb any of the existing zones over here, so as a result, what our hope is that if it is rezoned we have one lot that is completely consolidated that would be operational and obviously anything we need with regard to planning and zoning approval we will be going through the proper channels to get that. Just to complete the record with regard to the request, there is no impact we believe on any adjacent properties. Zoning requests that we've made affects no other properties in the area. They're all owned by Monty's companies so that there's no impact with regard to any other of the neighbors. There's no change in the use with regard to the proposal. We do think that there's a positive impact on the economy, currently the aggregate assessed values of the three properties separately taxed are in excess of \$8.4 million, which generate in excess of \$200,000 in tax revenues to the City of Manchester. We expect that with the construction that we're proposing to create a Hummer dealership and another sales office on the property on the South Willow Street side of the property will generate additional revenues. We will use existing water and sewer. There are no environmental impacts as best as we can tell as most of the property is currently paved and used for the parking. I would point out to the board that we have...I've spoken with the owner of 1255 South Willow Street, which is the property across from the Montambeault's property; the owner of that property is 100 Market Street LLC located in Portsmouth, New Hampshire. I don't know if they're present tonight but they expressed interest in support of us. I also have a letter from our abutter to the rear, the apartment complex owner, it was addressed to Mr. Wihby in care of the Bills of Second Reading and that committee, but I'll provide it to the board, and they also support the proposal. Monty and I are here and would be glad to answer any of your questions you may have with regard to this proposal.

Chairman O'Neil stated generally we don't do questions this evening, but is there anything that anyone would like to ask before we call for our next speaker? Mr. Montambeault do you have any comments?

Gerald Montambeault replied I think the plan that we've laid out really and truly is going to enhance a lot of the properties around South Willow Street. We're planning on building gardens and complying with some of the shrubbery that the City is going to want us to put around, especially when we do the Hummer building. And I think really and truly this will give an uplift, really and truly to the section of South Willow Street and this is the reason why and with the economy with the way I look at it is coming along and I have great faith in the City. So I think it's worth the investment. That's one of the reasons why we're trying to get this thing done.

Chairman O'Neil asked is there anyone else wishing to speak in favor this evening?

Paul Kinney stated I represent Aranco Oil, 557 North State Street, Concord, NH. We own the Sunoco directly across the street and my company has come in and asked me to address the Aldermen to say that we are in favor of this and we feel it's just good planning.

Chairman O'Neil called for those wishing to speak in opposition. There were none.

Chairman O'Neil advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

There being no further business to come before the hearing, on a motion of Alderman Thibault, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

City Clerk